

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 18-CR-1568 WJ
	)	
<b>RODOLFO RODRIGUEZ, JR.</b>	)	
	)	
Defendant.	)	

**OPPOSED MOTION FOR MODIFICATION OF CONDITIONS OF RELEASE**

COMES NOW Defendant, Rodolfo Rodriguez Jr., by and through counsel, Jerry A. Walz, Walz and Associates, P.C., and hereby moves the Court for a hearing to determine if conditions can be set to allow Defendant to be released to the custody of the La Posada Halfway House:

1. This motion is filed upon request of Defendant.
2. Defendant was arrested on February 1, 2018. [Doc. 1]
3. Defendant was indicted on May 9, 2018, in a one Count indictment charging him with violation of 21 U.S.C. 841 (a)(1) and (b)(1)(A), that being Possession with Intent to Distribute 1 kilogram and more of a Substance Containing a Detectable Amount of Heroin. [Doc. 17]
4. Defendant has been in continuous custody since his arrest.
5. Defendant waived a detention hearing on February 6, 2018 as it was felt at that time based on information in the Pretrial Services Report and lack of background information that Defendant would be held in custody. [Doc. 8]
6. Defendant retained his right to petition the court to review his detention and to set reasonable conditions of release. [Doc. 8]

7. Upon Motion of Defendant, [Doc. 12], the Court filed an Order for Evaluation for Mental Competency on April 17, 2018 [Doc. 13]. The Psychological Report was not filed until October 11, 2018 [Doc. 18] and the Court Order Finding Defendant Competent to Stand Trial was filed on October 22, 2018 [Doc. 23]. Defendant remained in continuous custody during this time.
8. Defendant is set for trial on June 3, 2019. [Doc. 32]
9. Defendant maintains that he is neither a flight risk nor a danger to the community, and that he should be placed at La Posada Halfway House.
10. Assistant United States Attorney David M. Walsh has been contacted and the government does oppose the granting of this motion.
11. U.S. Probation was contacted on February 11, 2019, but a Probation officer at that time had not been assigned. Based on the relief requested, opposition is presumed.

WHEREFORE, Defendant Rodriguez moves the Court to set a detention hearing to determine if there are reasonable conditions under which Defendant can be released to the third party custody of the La Posada Halfway House.

Respectfully submitted,

WALZ AND ASSOCIATES, P.C.

/s/ Jerry A. Walz  
JERRY A. WALZ, ESQ.  
*Attorney for Defendant Rodolfo Rodriguez, Jr.*  
133 Eubank Blvd NE  
Albuquerque, NM 87123  
(505) 275-1800  
[jerryawalz@walzandassociates.com](mailto:jerryawalz@walzandassociates.com)

**I HEREBY CERTIFY** that on the 25th day of February, 2019, I filed the foregoing electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

/s/ Jerry A. Walz  
Jerry A. Walz